

### **REMARKS**

Claims 1-46 are pending in this application. By this Amendment, paragraphs [0023], [0054], [0055], [0057], and [0063]-[0068] of the specification and claims 1 and 19 are amended, and claims 43-46 are newly added. Support for the claim amendments may be found, *inter alia*, in Figures 1, 3A, 3B, 12, 13, 14, 15 and 17 and in the specification in paragraphs [0058]-[0065]. No new matter is added. Claims 9, 10, 30 and 31 are withdrawn from consideration. Reconsideration in view of above-outlined amendments and the following remarks is respectfully requested.

Figures 1, 3A, 3B, 9, 10A, 10B, 11 and 17 were objected to because the figures do not permit adequate reproduction. In response, Applicants submit herewith substitute drawings for Figures 1-23, which permit reproduction. The substitute drawings further address the additional objections raised by the Examiner, which are discussed below. Applicants respectfully reconsideration and withdrawal of the objections.

Figures 3A and 3B were objected to because reference numbers 30, 32, 36 and 38 do not appear to indicate the part to which they refer. The Office Action asserts that reference numerals 40 and 42 have been used to designate the same part. Reference numeral 40 is used to designate the narrower channel which receives panel 100. Reference numeral 42 is used to designate the under channel which receives panel 102. In response, Applicants have revised Figures 3A and 3B to more clearly illustrate the connection between the reference numerals and the designated parts.

Figure 5c was objected to because it was unclear which cross section Figure 5C identifies. In response, Applicants have revised Figure 5B and paragraph [0023] to specify that Figure 5C is a cross section of Figure 5B.

Figures 9-10B were objected to because it is unclear which channels are the first receiving channel 30 and the second receiving channel 82. In response, Applicants have amended the specification and the figures to remove the reference numerals 80 and 82. Applicants further note that the profile of support 70 is the same as vertical support 20. The first channel and the second channel on the support 70 correspond to channels 40 and 42 for receiving panels 100 and 102. (e.g., paragraph [0054])

Figures 12-18A and 19-21 were objected to for the repeated use of the reference character to designate the adjustable bracket 110. Applicants direct the Examiner's attention to paragraphs [0058]-[0059], which discloses that the adjustable bracket 100 includes three primary components: engaging assembly 112; locking assembly 113; and fastener 114.

Applicants also direct the Examiner's attention to paragraphs [0031], [0032], [0033], [0038], [0039] and [0040], which describe Figures 13, 14, 15, 19, 20 and 21, respectively. Each of these figures illustrated the adjustable bracket integrally formed with another component such as a hanger bar or a shoe rack. As such, Applicants respectfully submit that the reference numeral 110 does not illustrate different components; rather, a common adjustable bracket that is integrally formed as part of other components. Similarly, reference numeral 112 does not illustrate different components; rather, a common engaging assembly that is integrated into other components. In response, Applicants have revised the figures to more clearly designate the adjustable bracket 110 and the engaging assembly 112.

Figures 14-16, 20 and 21 were objected to for the use of the reference character "118" to designate different support structure assemblies. In response, Applicants have revised the specification and figures to use additional reference numerals to describe the various support structures.

Figure 17 was objected to because it fails to disclose the shoe rack 124 described in paragraph [0064]. Applicants respectfully submit that the shoe rack described in the specification in paragraph [0064] is depicted in Figure 17. In response, Applicants have revised Figure 17 to relocate the reference numerals 124.

## **I. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER**

### **A. The Claims Are Patentable Over U.S. Patent No. 3,179,257 to Tassell**

Claims 1-4, 8 and 14-25 were rejected under 35 USC § 102(b) over US Patent No. 3,179,257 to Tassell. This rejection is respectfully traversed.

Tassell discloses a post and panel assembly for supporting shelves for connection to the ceiling and floor in a room. The posts 3, 4 and 5 are mounted to the ceiling and floor using sleeves 16 and pads 15. The posts 3, 4 and 5 have dove-tail slots formed from divergent walls 10 and central recesses 12 and 13. Tassell discloses shelf supporting brackets 27 that are connected to thick mounting and clamping plates 34. The clamping plates 34 include a flange 35 and a nut 10 that are adapted to engage the inner surfaces of the divergent walls 10 to clamp the bracket 27 in place.

By contrast, amended claim 1 is directed to a support structure for a storage system for use in an enclosure having at least a floor, a ceiling and at least one wall. The support structure includes at least one elongated vertical support having a length, a bottom portion for engaging the floor of the enclosure and a top portion for engaging one of the ceiling and the

at least one wall. Each elongated vertical support further includes a front portion, a rear portion and a middle portion interconnecting the front portion and the rear portion. The front portion and the rear portion cooperate to form a channel on at least one side of the middle portion. The channel extends the length of the elongated vertical support. The channel includes an interior portion, an outwardly beveled exterior portion and a middle portion interconnecting the interior portion and the exterior portion. The middle portion has a reduced width when compared to the interior portion and the exterior portion. Tassell does not disclose, teach or suggest the claimed channel. Tassell does not disclose the claimed interior, middle and exterior portions. Amended claim 1 is further includes at least one adjustable bracket slidably located within the channel. Each adjustable bracket includes an engaging assembly for selectively engaging the outwardly beveled exterior portion of the channel and a locking assembly positioned within the interior portion of the channel for selectively engaging the interior portion of the channel. Tassell does not disclose the claimed adjustable bracket. The clamping plates 34 of Tassell do not have the claimed engaging assembly that selectively engages the exterior portion of the channel and the claimed locking portion positioned within the interior portion of the channel. The plates 34 of Tassell engage the side walls 10. The claimed engaging assembly and the claimed locking assembly have an unlocked position whereby the adjustable bracket is movable within the outwardly beveled exterior portion of the channel and a locked position whereby the engaging assembly engages the outwardly beveled exterior portion of the channel and the locking assembly engages the interior channel to prevent movement of the adjustable bracket with respect to the elongated vertical support. Again, Tassell does not disclose this claimed relationship.

Applicants respectfully submit that Tassell does not disclose, teach or suggest the subject matter of amended claim 1. Claims 2-4 and 14-18 depend from claim 1 and are allowable over Tassell for at least the reasons set forth above.

Amended claim 19 is directed to a modular storage system for use in an enclosure having at least a floor, a ceiling and at least one wall. The modular storage system includes at least two elongated vertical supports. Each elongated vertical support includes a bottom portion for engaging the floor of the enclosure, a top portion for engaging one of the ceiling and the at least one wall, and a front portion, a rear portion and a middle portion interconnecting the front portion and the rear portion. The front portion and the rear portion cooperate to form a channel on at least one side of the middle portion. The channel extends the length of the elongated vertical support. The channel includes an interior portion, an

outwardly beveled exterior portion and a middle portion interconnecting the interior portion and the exterior portion. The middle portion has a reduced width when compared to the interior portion and the exterior portion. As discussed above in connection with claim 1, Tassell does not disclose the claimed channel. Amended claim 19 further includes at least one adjustable bracket slidably located within the channel on each elongated vertical support. Each adjustable bracket includes an engaging assembly for selectively engaging the outwardly beveled exterior portion of the channel. This feature is absent in Tassell. The engaging assembly has an unlocked position whereby the adjustable bracket is movable within the outwardly beveled exterior portion of the channel and a locked position whereby the engaging assembly engages outwardly beveled exterior portion to prevent movement of the adjustable bracket with respect to the elongated vertical support. This feature is also absent from Tassell. The adjustable bracket further includes a locking assembly positioned within the interior portion of the channel for selectively engaging the interior portion of the channel, wherein the locking assembly has an unlocked positioned whereby the locking assembly is movable within the interior portion of the channel and the engaging assembly is movable within the outwardly beveled exterior portion and a locked position whereby the locking assembly engages the interior portion to prevent movement of the locking assembly within the interior portion and the adjustable bracket within the outwardly beveled exterior portion. This feature is also absent in Tassell. The modular storage system further includes at least one storage component for storing articles within the modular storage system. Each storage component is secured to an adjustable bracket on at least one elongated vertical support.

Applicants respectfully submit that Tassell does not disclose, teach or suggest the subject matter of amended claim 19. Claims 20-25 depend from claim 19 and are allowable over Tassell for at least the reasons set forth above.

Applicants respectfully submit that Tassell fails to disclose, teach or suggest the subject matter of claims 1-4 and 14-25. Reconsideration and withdrawal of any rejections based upon Tassell are respectfully requested.

**B. The Claims Are Patentable Over Tassell in view of U.S. Patent No. 5,690,239 to Ballard.**

Claims 5, 6, 26 and 27 were rejected under 35 USC § 103(a) over Tassell in view of US Patent No. 5,690,239 to Ballard. This rejection is respectfully traversed.

The Office Action correctly notes that Tassell does not disclose the pair of ribs dividing the channel into first and second portions. The Office Action relies on Ballard for allegedly teaching a pair of ribs 46. Ballard, however, does not disclose the claimed open second portion that is capable of receiving vertical panels of differing thicknesses. Furthermore, Ballard does not disclose any of the deficiencies in Tassell, discussed above.

Applicants respectfully submit that the combination of Tassell and Ballard fails to disclose, teach or suggest the subject matter of any of claims 5, 6, 26 and 27. Reconsideration and withdrawal of the rejection based upon Tassell and Ballard are respectfully requested.

**C. The Claims Are Patentable Over Tassell in view of Ballard and further in view of U.S. Patent No. 3,305,286 to Fenwick**

Claims 7 and 28 were rejected under 35 USC § 103(a) over Tassell in view of Ballard and further in view of U.S. Patent No. 3,305,286 to Fenwick. This rejection is respectfully traversed.

The Office Action correctly notes that Tassell and Ballard do not teach an adjustable lower mounting assembly. While Fenwick allegedly discloses a floor connection assembly 109, Fenwick does not disclose, teach or suggest any of the deficiencies in Tassell, discussed above.

Applicants respectfully submit that the combination of Tassell, Ballard and Fenwick fails to disclose, teach or suggest the subject matter of claims 7 and 28. Reconsideration and withdrawal of any rejections based upon these references are respectfully requested.

**D. The Claims Are Patentable Over Tassell in view of Ballard and Fenwick further in view of U.S. Patent No. 4,161,850 to Peterson et al. and U.S. Patent No. 4,795,355 to Dorn et al.**

Claims 8, 11-13, 29 and 32-42 were rejected under 35 USC § 103(a) over Tassell in view of Ballard and Fenwick and further in view of U.S. Patent No. 4,161,850 to Peterson et al. (“Peterson”) and U.S. Patent No. 4,795,355 to Dorn et al. (“Dorn”). This rejection is respectfully traversed.

While Dorn and Peterson allegedly teach a door or panel receiving upper support, Dorn and Peterson, either alone or in combination, do not disclose, teach or suggest any of the deficiencies of Tassell, discussed above.

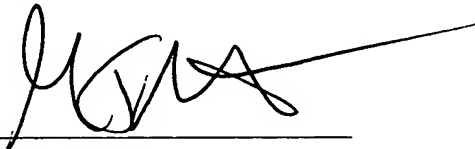
Applicants respectfully submit that the combination of Tassell, Ballard, Fenwick, Peterson and Dorn fails to disclose, teach or suggest the subject matter of claims 8, 11-13, 29 and 32-42. Reconsideration and withdrawal of any rejections based upon these references are respectfully requested.

## **II. CONCLUSION**

Applicants respectfully submit that the claims define subject matter that is patentable over the prior art cited of record. It is respectfully submitted that the application is in condition for allowance. Should further issues require resolution prior to allowance, the Examiner is requested to telephone Applicants' undersigned attorney at the number below.

Respectfully submitted,

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